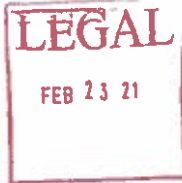




IN THE 33RD JUDICIAL CIRCUIT, SCOTT COUNTY, MISSOURI



Judge or Division: DAVID ANDREW DOLAN	Case Number: 21SO-CV00100
Plaintiff/Petitioner: WANDA LOUISE DOWELL	Plaintiff's/Petitioner's Attorney/Address JAMES EDWARD PARROT 1221 LOCUST STREET SUITE 1000 ST. LOUIS, MO 63103
Defendant/Respondent: DOLLAR TREE STORES INC - CHESAPEAKE, VA	Court Address: P O BOX 587 BENTON, MO 63736
Nature of Suit: CC Pers Injury-Other	

*Personal Service
Cynthia Burtner*

(Date File Stamp)

Summons in Civil Case

The State of Missouri to: DOLLAR TREE STORES INC - CHESAPEAKE, VA
Alias:

500 VOLVO PARKWAY
CHESAPEAKE, VA 23320

COURT SEAL OF



SCOTT COUNTY

You are summoned to appear before this court and to file your pleading to the petition, a copy of which is attached, and to serve a copy of your pleading upon the attorney for plaintiff/petitioner at the above address all within 30 days after receiving this summons, exclusive of the day of service. If you fail to file your pleading, judgment by default may be taken against you for the relief demanded in the petition.

January 26, 2021

Date

Stacey Naile, Scott County Circuit Clerk

Clerk

Further Information:

/s/ Nancy Weissmueller, Deputy Clerk

Sheriff's or Server's Return

Note to serving officer: Summons should be returned to the court within 30 days after the date of issue.

I certify that I have served the above summons by: (check one)

- ☐ delivering a copy of the summons and a copy of the petition to the defendant/respondent.
☐ leaving a copy of the summons and a copy of the petition at the dwelling place or usual abode of the defendant/respondent with _____, a person of the defendant's/respondent's family over the age of 15 years who permanently resides with the defendant/respondent.
☐ (for service on a corporation) delivering a copy of the summons and a copy of the complaint to: _____ (name) _____ (title).
☐ other: _____

Served at _____ (address)
 in _____ (County/City of St. Louis), MO, on _____ (date) at _____ (time).

Printed Name of Sheriff or Server

Signature of Sheriff or Server

Must be sworn before a notary public if not served by an authorized officer:

Subscribed and sworn to before me on _____ (date).

(Seal)

My commission expires: _____

Date

Notary Public

Sheriff's Fees, if applicable

Summons	\$ _____
Non Est	\$ _____
Sheriff's Deputy Salary	
Supplemental Surcharge	\$ 10.00
Mileage	\$ _____ (_____ miles @ \$ _____ per mile)
Total	\$ _____

A copy of the summons and a copy of the petition must be served on each defendant/respondent. For methods of service on all classes of suits, see Supreme Court Rule 54.

IN THE CIRCUIT COURT OF SCOTT COUNTY, MISSOURI
DIVISION NO. ____

WANDA DOWELL,)	
)	
Plaintiff,)	
)	
v.)	Cause No.
)	
DOLLAR TREE STORES, INC.,)	Division No.
Serve: CSC-Lawyers Incorporating)	
Service Company,)	JURY TRIAL DEMANDED
221 Bolivar Street)	
Jefferson City, MO 65101)	
)	
Defendant.)	

PETITION FOR DAMAGES

Comes now Plaintiff, by her attorney, and for her cause of action against Defendant, states as follows:

Count 1: Negligence

1. Plaintiff WANDA DOWELL is an individual.
2. Defendant DOLLAR TREE STORES, INC., is a corporation that does substantial business in the State of Missouri by operating multiple retail stores. At all relevant times, Defendant acted through its employees and/or agents.
3. Defendant owned, possessed, maintained and/or controlled the sidewalk entrance immediately adjacent to the Dollar Tree retail store, number 587, at 1220 S. Main Street, Sikeston, Missouri where Plaintiff was injured.
4. Venue is proper in this Court since the incident in which Plaintiff was injured occurred in Scott County, Missouri and the amount in controversy exceeds the sum of \$25,000.00

5. Sometime before Plaintiff's arrival at the Dollar Tree store on December 31, 2018, unbeknownst to Plaintiff, a piece of fruit was left on the sidewalk near the entrance of the store close to a trash receptacle.

6. Plaintiff arrived at the Dollar Tree store around 6:00 p.m. on December 31, 2018, for the purpose of entering the retail store as an invitee to shop.

7. Plaintiff parked in the parking lot, exited her vehicle, and as she was entering the store, she stepped on a slippery substance, believed to be a piece of fruit near the entrance to the store that she did not visualize prior thereto, twisted and fell to the concrete surface of the entrance to the store.

8. Upon information and belief, prior to plaintiff falling, Defendant had notice that the area near the entrance of the store was or could be dangerous for invitees to traverse due to trash, including discarded fruit, around the receptacle.

9. Prior to December 31, 2018, Defendant assumed a duty to invitees by undertaking, through a course of conduct, to remove and/or remediate trash, including discarded fruit, from the entrance to its retail store.

10. Defendant failed to use ordinary care to reasonably and adequately remove and/or remediate trash, including discarded fruit, from the entrance to its retail store.

11. Defendant was thereby negligent.

12. As a direct and proximate result of the negligence of Defendant, its agents and/or employees, as pleaded above:

- a. Plaintiff sustained a fracture knee, fractured foot, and contusion to right hand;
- b. Plaintiff has been required to incur expenses for medical treatment for treatment of these conditions;

c. Plaintiff suffered, continues to suffer, and will suffer weakness, restriction of movement, and other limitations of use;

d. Each of these injuries is painful and permanent, and the function and use of Plaintiff's foot, knee, and hand have been seriously impaired and diminished, and have caused and in the future will continue to cause great mental anguish and pain of mind and body; and

e. Plaintiff's ability to enjoy life has been and will be severely lessened, diminished, damaged and impaired.

WHEREFORE, Plaintiff WANDA DOWELL prays for judgment against Defendant DOLLAR TREE STORES, INC., in an amount exceeding \$25,000.00 which is fair and reasonable to compensate Plaintiff for Plaintiff's injuries and damages, for Plaintiff's costs herein, and for such further relief as is just.

Count 2: Premises Liability

1. Plaintiff incorporates the allegations in Count 1 of the Petition as if fully set forth herein.

2. Trash on the sidewalk adjacent to the entrance of the retail store, including discarded fruit, presented an unreasonable risk of harm to invitees of Defendant's store and was not reasonably safe.

3. Upon information and belief, one or more employees or agents of Defendant had notice or should have had notice, prior to Plaintiff's fall, of the unreasonably dangerous condition of the entrance to the store.

4. Defendant, its employees, or agents should have anticipated that business invitees such as Plaintiff would not discover or realize the slick area near the entrance of its premises since it was not readily apparent to invitees.

5. Despite said notice, one or more agent and/or employee of Defendant failed to use ordinary care to warn of and/or to remove the dangerous condition.

6. Defendant was thereby negligent.

7. As a proximate result of said dangerous condition on Defendant's premises, Plaintiff suffered the injuries and damages pleaded in Count 1 above.

WHEREFORE, Plaintiff WANDA DOWELL prays for judgment against Defendant DOLLAR TREE STORES, INC., in an amount exceeding \$25,000.00 which is fair and reasonable to compensate Plaintiff for Plaintiff's injuries and damages, for Plaintiff's costs herein, and for such further relief as is just.

Respectfully submitted,

LAW OFFICE OF JAMES E. PARROT

By: _____
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